MULTIMEDIA UNIVERSITY STUDENT IDENTIFICATION NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2015/2016

ULM 1612 – LEGAL METHOD

(All Sections/Groups)

6 OCTOBER 2015

Reading Time : 2.30 p.m – 2.45 p.m

(15 Minutes)

Answering Time : 2.45 p.m – 5.45 p.m

(3 Hours)

INSTRUCTIONS TO STUDENTS

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes. ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the question.
2. This Question paper consists of 2 Pages and 5 Questions only.
3. Answer **ANY FOUR (4) Questions Only**. All questions carry equal marks and the distribution of the marks for each question is given.
4. Statutes are not allowed for this exam.
5. Please write all your answers in the Answer Booklet provided.

QUESTION 1

Read the excerpt below and answer the following question.

"But is it true that punishments that are created without taking into account Islamic justice with political reasons, are God's laws? Thinking that it is not important what non-Muslims or even Muslims think of Islam, is wrong. Islam spread quickly last time and was received because of the image of the Islamic civillisation that was so advanced that it attracted non-Muslims. Doing something for other interests that smears the image of Islam is something that goes against the teachings of the religion and pushes non-Muslims from Islam. It is an act of anti-'dakwah',..In Malaysia, Shariah laws are only limited to familial matters in a Muslim family. It does not persecute Muslims or non-Muslims. For other crimes, Malaysian laws do not differentiate between religions, in order to give justice to all," as per Tun Dr Mahathir Mohamad's blog as reported in *The Malaysian Insider*, April 16, 2015.

The comments made above are in relation to the Kelantan legislature unanimously passing amendments to the state's Islamic criminal punishment code on March 19 2015, supported by all of Umno's 12 assemblymen. Based on the concept of legal culture, discuss whether implementation of Hudud law can be made legal and recognised in Malaysia. Your answer must include a discussion of relevant principles of legal culture.

(Total: 25 marks)

QUESTION 2

Ideological reasoning, Comparative reasoning and Empirical reasoning are variable reasoning processes and may be used by the legal fraternity for differing reasons.

Discuss the various reasoning methods and processes in the statement above and further provide 2 types of examples for each.

(Total: 25 marks)

QUESTION 3

The Arbitration process of resolving disputes is more popular than the traditional court process.

Discuss the arbitration process in this country and provide relevant examples and statistics on how this process is becoming more popular than the traditional courts.

(Total: 25 marks)

Continued...

QUESTION 4

"The principle applied in construing a Penal Act is that if, in construing the relevant provisions, 'there appears any reasonable doubt or ambiguity', it will be resolved in favour of the person who would be liable to the penalty"– Suriyadi J (as he then was, later JCA and now FCJ) **in Public Prosecutor v Chua Chor Kian [1998] 1 MLJ 167.**

You are required to highlight how judges may deal with statutory interpretation to the matter above. In furtherance to the above, your answer should also refer to other decided cases in the area.

(Total: 25 marks)

QUESTION 5

a) Public law is that part of law which governs relationships between individuals and the government, and those relationships between individuals which are of direct concern to the society. Private law is that part of a civil law legal system which is part of the *jus commune* that involves relationships between individuals. State law is that part of law in Malaysia that is only applicable within the respective 13 states of the country. Explain 3 examples of the following types of laws:
i) Private law
ii) Public law
iii) State law

(9 Marks)

b) Describe Roscoe Pound's 12 conceptions on the development of law and compare this to Hart's observation of the law.

(16 Marks)

(Total: 25 marks)

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